



REPLY TO
ATTENTION OF:

HEADQUARTERS

(b)(1)1.4a
BAGRAM, AFGHANISTAN

(b)(1)1.4a

2 March 2010

MEMORANDUM FOR RECORD

SUBJECT: Approval of AR 15-6 Investigation ICO (b)(1)1.4a (~~S//REL ISAF~~)

1. (U) I approve the findings of the investigation with the following exceptions and substitutions:

a. (U) Approved. I find no wrongful use of entry techniques and the entry techniques did not contribute to LN deaths.

b. (U) Approved with the following additions.

(1) (~~S//REL ISAF~~) I find that (b)(1)1.4a personnel provided medical treatment to two LN males who were wounded at some time during operations on (b)(1)1.4a (b)(1)1.4a. Subsequently, (b)(3), (b)(6) the (b)(1)1.4a Physician's Assistant, conducted a cursory field exam on the five LN's found dead on the (b)(1)1.4a. This was the only documented record of a health care provider conducting any type of autopsy or like medical evaluation.

(2) (~~S//REL ISAF~~) (b)(3), (b)(6) told his BN CDR, "I did not believe (b)(1)1.4a had killed the three females. I told him the stab wound to the 18-20 year old female was odd and out of character for special operations personnel. I told him the bodies were in rigor, which takes eight to twelve hours to relax. I knew the bodies were in rigor because of the effort it took to move the head of the female with the stab wound to the throat."

c. (1) (U) Approved. I find that both LN males displayed hostile intent prior to engagement by the Assault Force.

(2) (U) Approved with the following addition. The Assault Force could have attempted to use more assets at their disposal to more effectively call-out the occupants of the buildings.

(b)(1)1.4a

d. (U) Approved. I concur with the IO that the cause of death of the three LN females is inconclusive. The lack of investigative procedure and future access to the IO by the ANSF,

(b)(1)1.4a

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GIRoA officials and Khataba village inhabitants contributed to an inconclusive finding in determining the deaths of the three females.

(1) (U) Approved.

(2) ~~(S//REL ISAF)~~ Approved. I concur with the IO that a plausible cause in the deaths of the three LN females could have been a shoot through from lethal fires applied by the AF (b)(1)1.4a against Zahir. But if this did occur, there was no intention to engage anyone except for Zahir who had demonstrated hostile intent by arming himself, and then a hostile act by pointing the AK47 at both US Soldiers.

(3) ~~(S//REL ISAF)~~ Approved. I concur with the IO that there are other plausible causes of death for the three LN females including, but not limited to, cultural ritual, accident, or unknown circumstances. I concur with the IO's findings that the rudimentary ballistic evidence suggests that it is unlikely that the lethal engagement of Zahir resulted in the shoot thru of the three LN females.

e. (1) (U) Approved.

(2) (U) Approved.

(3) ~~(S//REL ISAF)~~ Approved with the following addition. I find the fact that the Assault Force Leader failed to mention the similar burial preparations on Dawood that were visible in SSE photos led to erroneous assumptions that were made by the Assault Force and transmitted to the (b)(1)1.4a further leading to the belief that the three LN females had been killed for a cultural purpose.

(4) (U) Approved.

f. (U) Approved.

g. ~~(S//REL ISAF)~~ Approved. I find that the (b)(1)1.4a to keep a BHO force on the (b)(1)1.4a was critical to consequence management, and although it did not dissuade local national resentment, it did create an environment of transparency with CFs.

(b)(1)1.4a, (b)(1)1.4c

i. (U) Approved as per below in paragraph 2 of this memorandum.

j. (U) Approved.

(b)(1)1.4a

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2. (U) I approve the recommendations of the investigation with the following exceptions and substitutions:

- a. (1) (U) Approved. Disseminate to subordinate TFs for action.
- (2) (U) Approved. Disseminate to subordinate TFs for action.
- b. (1) (U) Approved. Disseminate to subordinate TFs for action.

(b)(1)1.4a

- (3) (~~S//REL ISAF~~) Approved. Refer to (b)(1)1.4a for action.
- (4) (~~S//REL ISAF~~) Approved. Refer to (b)(1)1.4a for evaluation of feasibility.
- c. (1) (U) Approved. No action required.
- (2) (U) Approved. No action required.
- (3) (~~S//REL ISAF~~) Approved. Refer to (b)(1)1.4a for action.
- d. (U) Additional actions.

(b)(1)1.4a, (b)(3), (b)(6)

(b)(1)1.4a

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3. (U) I direct a copy of this report be provided to the (b)(1)1.4a, and subordinate (b)(1)1.4a (b)(1)1.4a for dissemination and implementation of approved recommendations. I direct a copy of this report to be provided to the Commander, CJTF-82, and the Commander, IJC, for their information and any actions they deem appropriate.

4. (U) Point of contact is the (b)(1)1.4a, (b)(3), (b)(6)
or SIPR (b)(1)1.4a, (b)(3), (b)(6)

(b)(3), (b)(6)



REPLY TO
ATTENTION OF

HEADQUARTERS
(b)(6)
BAGRAM, AFGHANISTAN

(b)(1)1.4a

1 March 2010

MEMORANDUM FOR RECORD

SUBJECT: Army Regulation 15-6 Investigation into the civilian deaths that occurred on
(b)(1)1.4a on period of darkness 11-12 February 2010. (~~S//REL ISAF~~)

1. (~~S//REL ISAF~~) **Purpose of Investigation:** The purpose of this investigation is to determine the facts and circumstances surrounding the deaths of local nationals that occurred during (b)(1)1.4a in the vicinity of Gardez District, Paktya Province, Afghanistan, during period of darkness 11-12 February 2010. (b)(3), (b)(6) to serve as the investigating officer on 13 February 2010 (Exhibit 1). (b)(6) representative) and (b)(3), (b)(6) for the investigation.

2. (~~U//FOUO~~) **Background:**

a. (~~S//REL ISAF~~) On 11 February 2010, (b)(1)1.4a (b)(1)1.4a in the vicinity of Gardez District, Paktya Province, Afghanistan. The operation resulted in the deaths of two males and the discovery of three dead females and two wounded males. (b)(1)1.4a (b)(1)1.4a and the casualties is unknown. The deaths of the two males occurred during a tactical call-out (TCO) of the targeted compound and (b)(1)1.4a discovered the three dead females and two wounded males during the sensitive site exploitation (SSE) phase of the operation. (Exhibits 7, 8, 9, and 11)

(b)(1)1.4a

c. (~~U//FOUO~~) In the aftermath of the operation, villagers from the area conducted multiple demonstrations in the vicinity of the provincial police headquarters (PHQ). Following these demonstrations, village elders held a *shura* with Ministry of Interior (MoI), Provincial Afghan National Police (ANP), Provincial Government and ISAF Joint Command (IJC) personnel. The village elders' demands included the release of the eight detainees, ISAF acceptance of

(b)(1)1.4a

(b)(1)1.4a

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responsibility for the civilian casualties, and punishment of the "informant/agent" responsible for the faulty intelligence. During the *shura*, locals promised not to demonstrate further, and IJC promised it would conduct a full investigation. (Exhibit 17)

3. (U) **Participants:** The following forces participated in this operation. (Exhibit 2, 11, 12, 14):

a. (~~S//REL ISAF~~) (b)(1)1.4a

b. (U) Battle Space Owners (BSO):

(1) (~~S//REL ISAF~~) (b)(1)1.4a

(b)(1)1.4a

(2) (~~S//REL ISAF~~) (b)(1)1.4a

(b)(1)1.4a

(3) (~~S//REL ISAF~~) (b)(1)1.4a

(b)(1)1.4a

c. (U) Afghan National Police (ANP), Gardez District

d. (~~S//REL ISAF~~) (b)(1)1.4a

(b)(1)1.4a

4. (U//~~FOUO~~) **Facts:** 5.a. *The detailed facts and circumstances surrounding the conduct of the operation and all follow-on actions in mitigation, coordination, and assistance.* (For a detailed timeline of events see Exhibit 3 and for greater geospatial understanding see Exhibit 4.)

a. (U) **Purpose of the Operation:**

(b)(1)1.4a, (b)(6)

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(2) ~~(S//REL ISAF)~~

(b)(1)1.4a

(b)(1)1.4a, (b)(7)(E)

b. (U) Operational Planning:

(b)(1)1.4a, (b)(3), (b)(5), (b)(6), (b)(7)(E), (b)(7)(F)

(b)(1)1.4a

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(b)(1)1.4a, (b)(3), (b)(5), (b)(6), (b)(7)(E), (b)(7)(F)

(b)(1)1.4a

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(b)(1)1.4a, (b)(5), (b)(7)(E)

(b)(1)1.4a

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(b)(1)1.4a, (b)(7)(E)

(b)(1)1.4a

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(b)(1)1.4a, (b)(5), (b)(7)(E)

(b)(1)1.4a

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on period of darkness 11-12 February 2010. (U//~~FOUO~~)

(b)(1)1.4a, (b)(3), (b)(5), (b)(6), (b)(7)(E)

(b)(1)1.4a

SUBJECT: Army Regulation 15-6 Investigation into the civilian deaths that occurred on
(b)(1)1.4a on period of darkness 11-12 February 2010. (U//~~FOUO~~)

(b)(1)1.4a, (b)(3), (b)(5), (b)(6), (b)(7)(E), (b)(7)(F)

(b)(1)1.4a

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(b)(1)1.4a, (b)(3), (b)(5), (b)(6), (b)(7)(E), (b)(7)(F)

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(b)(1)1.4a, (b)(3), (b)(5), (b)(6), (b)(7)(E), (b)(7)(F)

e. **(U) Post Mission Intelligence:** The following items came from tactical questioning, and other post mission intelligence.

(b)(1)1.4a, (b)(3), (b)(5), (b)(6), (b)(7)(E), (b)(7)(F)

(3) (U//~~FOUO~~) Weapons: During SSE, (b)(1)1.4a located three AK-47s, one pistol and multiple grenades in building 35 (Exhibits 8 and 13). (b)(1)1.4a assessed that two of the AK-47s were the weapons held by Dawood and Zahir during the engagements.

f. **(U) Medical Care:**

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(1) (U//~~FOUO~~) Wounded 15-year-old male: The platoon medic provided medical care to the wounded 15-year-old male discovered holding his side in building 35. The platoon medic assessed the abdomen wound was caused by a gunshot. It is assessed the male was originally in building 34, but the assault force moved him to building 35 following completion of clearance. The medic cleaned and bandaged the wound and assessed it as a superficial through-and-through wound (Exhibits 2 and 11). Local medical providers moved him to Kabul for further treatment.

(2) (U//~~FOUO~~) Wounded 25-year-old male: The platoon medic provided medical care to the wounded 25-year-old male discovered with blood on the left side of his shirt and pants in building 35. The platoon medic assessed the wound to his left arm was caused by a through-and-through gunshot wound, and the wound to his leg was caused from a small piece of fragmented metal. It is assessed he was originally in building 34, but the assault force moved the male to building 35 following completion of clearance. The medic cleaned and bandaged the wounds and assessed them as superficial through-and-through wounds (Exhibits 2 and 11). Local medical providers moved the patient to the Gardez Provincial Hospital for follow-on treatment. A subsequent interview with (b)(6), (b)(7)(F)

(b)(6) revealed the doctors believe a ricocheting bullet caused the leg wound (Exhibit 11).

g. (U) Public Affairs:

(1) (~~S//REL ISAF~~) Release: On 12 Feb, ISAF prepared a PAO release with talking points which was sent to the "IJC Media Operations" e-mail list at 0537Z. The release contained information the assault force found the women "tied up, gagged, and killed" as well as "hidden in an adjacent room." Also on 12 Feb, (b)(1)1.4a prepared a Public Affairs Office (PAO) release with talking points to ISAF, USFOR-A, and IJC at 0538Z via classified e-mail. This release was never sent forward. The release contains no information on the women being bound and gagged. Both events took place after the first lift of the assault force and the detainees had departed the scene, but before GIRoA and BSO leadership arrived at the scene (Exhibit 15).

(2) (~~S//REL ISAF~~) At 0823Z, ISAF sent a joint ISAF/GIRoA press release to the "IJC Media Operations" e-mail list and (b)(3), (b)(6), (b)(7)(F). The release contained information the force "found the bound and gagged bodies of two women." It also details the MoI investigation delegation sent to Gardez and alleges "[s]everal insurgents engaged the joint force in a fire fight and were killed," which was the most widely rebroadcasted release (Exhibit 15).

(3) (~~S//REL ISAF~~) At 0956Z, (b)(1)1.4a sent a Post Operation IO and Mitigation package to a large e-mail list, which contained information on the target and a GIRoA-releasable storyboard, as well as IO themes and talking points. Of note is the e-mail list contained the

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addresses for the PRT Khost Commander (b)(3), (b)(6), (b)(7)(F), but not
 PRT Paktya's Commander (b)(3), (b)(6), (b)(7)(F) (Exhibit 15).

(4) ~~(S//REL ISAF)~~ The BSO has taken the lead on consequence management and
 engagement for this operation, but neither of their IO personnel (b)(3), (b)(6), (b)(7)(F)

(b)(1)1.4a, (b)(3), (b)(6), (b)(7)(F)

(5) ~~(S//REL ISAF)~~ (b)(1)1.4a was on the list, however. While the (b)(1)1.4a

(b)(1)1.4a, (b)(3), (b)(6), (b)(7)(F)

(6) ~~(S//REL ISAF)~~ Based on the timestamp from the e-mail, this information was sent
 out after the BSO had been in a meeting with provincial officials (ANP Chief, NDS Chief,
 Provincial Deputy Governor), while a demonstration was taking place, and approximately an
 hour prior to the arrival of the Mol investigative team from Kabul. Some of the information on
 the women being bound and gagged was released from the scene in radio reports to the BSO
 JOC and may have been forwarded to (b)(1)1.4a and further via the (b)(1)1.4a (Exhibit
 15).

(7) ~~(S//REL ISAF)~~ During this time period, (b)(1)1.4a received multiple reports
 of statements allegedly made by Paktya Deputy ANP Chief BG Destigeer about what was found
 at the scene (one statement was CF had killed Paktya NDS (b)(6) another
 was CF had killed two NDS agents). The (b)(1)1.4a was also barred from doing any
 messaging for the incident by CJTF-82. When the decision was made to release the detainees
 taken from the objective, GIRoA and ANSF issued the press statement (Exhibit 15).

(8) (U) There have been no subsequent press releases.

h. (U//~~FOUO~~) **Condolence Payment:** As of 19 February 2010, CF have offered no
 payments to the family. During a meeting before the 14 Feb detainee transfer, the father was
 persuaded by MG Fatah (ANP Zone 2 Commander) to accept some money Fatah said was
 Dawood's last wages. One of the issues still outstanding is the allegation of theft of
 approximately \$85,000 from the premises, which was part of the demands both BG Wardak and
 MG Fatah have made to settle the matter. During a KLE between (b)(3), (b)(6), (b)(7)(F) BG Wardak, and
 MG Fatah, BG Wardak mentioned condolence payment, but did not suggest an amount (Exhibit
 11).

i. (U//~~FOUO~~) **Investigation:** The investigation has not had a major IO impact with the
 populace, but it has had a positive effect on CF relationship with ANSF in the province. (b)(6)
 (b)(3), (b)(6), (b)(7)(F) met with Paktya ANP Deputy Chief BG Destigeer about information needed in pursuit

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of the investigation and was well-received by him. He said he was glad the investigation was taking place to ensure something like this does not happen again and for future success in partnered operations (Exhibit 11).

j. (U//~~FOUO~~) **Key Leader Engagements:** KLEs were the largest part of the consequence management for this event, especially considering erroneous reports from GIRoA and ANSF officials on what had happened and the moratorium on messaging from echelons brigade and below (Exhibits 11, 16, and 17).

(1) (U//~~FOUO~~) The first KLE took place on site with the BSO, Deputy Governor, ANP Chief, and GFC. The GFC walked the GIRoA officials through his team's actions on the objective, explaining what actions they had taken and what they had found at the scene (Exhibits 7 and 11).

(2) (U//~~FOUO~~) The second KLE was done by the ISAF Incident Response Team and BSO with a number of provincial leaders and the Mol-appointed representative (LTG Yarmand) on 12 Feb at approximately 1500Z at the Governor's Guest House. During this meeting, LTG Yarmand met BG Bowes and they talked through what had happened that day, as well as setting a plan for consequence management and the investigations (Exhibits 11 and 17).

(3) (U//~~FOUO~~) The third KLE was during the detainee release, and was held at FOB Gardez with LTG Yarmand, Member of Parliament (b)(6) (b)(6) MG Fatah and BG Bowes. GIRoA and CF personnel were able to meet before the detainee transfer, and GIRoA delivered the detainees to their families at the Regional Training Center, which was well-received throughout the province (3), (b)(6), (b)(7) MG Fatah, and BG Wardak held the last KLE to date with each other on 18 Feb. During this KLE, the ANSF representatives explained their efforts to calm tensions in the area, provided atmospherics on the village, and talked about the way ahead (Exhibit 11).

5. (U//~~FOUO~~) Findings.

a. b. (S//REL ISAF) *Describe the methods used to gain entry into targeted compounds and structures during the mission and their effectiveness.* I find that the methods used to gain entry into the targeted compounds were effective. (b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a

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b. c. (U//~~FOUO~~) *The nature and extent of any injuries or casualties encountered upon, or as a result of, the conduct of this operation and include any subsequent medical care offered, provided, and/or declined.*

(1) (U//~~FOUO~~) The casualties were (Exhibits 2 and 13):

	GENDER	NAME	AGE	LOCATION	STATUS
1	Male	Dawood	~38 y/o	Engaged by assault force from rooftop. Killed Courtyard (btw bldgs 34 & 35)	Killed by GSW to the chest
2	Male	Zahir	~42 y/o	Engaged by assault force from rooftop. Killed in Bldg 34 doorway.	Killed by GSW to the chest
3	Female	Bibi Saibeha	~35 y/o	Found in Bldg 34, rm 1A	Died of wounds
4	Female	Bibi Shirin	~22 y/o	Found in Bldg 34, rm 1A	Died of wounds
5	Female	Gulalay	~18 y/o	Found in Bldg 34, rm 1A	Died of wounds
6	Male	(b)(6)	~25 y/o	Unknown, Treated in Bldg 35, rm 2A	Wounded to the left arm and left leg
7	Male	UNK	~15 y/o	Unknown, Treated in Bldg 35 rm 2A	Wounded to the lower left abdomen

(2) (U//~~FOUO~~) See also paragraph 4.f. above for treatment summary of wounded males.

c. (~~S//REL ISAF~~) *Whether the employment of force by each element was a result of a demonstration of hostile intent, hostile act, or imminent threat;* See paragraphs below 5.c.(1)-(3).

e. (~~S//REL ISAF~~) *Whether the amount of force used in each case was necessary and proportional under the circumstances;* See paragraphs below 5.c.(1)-(3).

f. (~~S//REL ISAF~~) *What, if any, steps were taken to escalate and/or deescalate the use of force for any engagements;* See paragraphs below 5.c.(1)-(3).

k. (~~S//REL ISAF~~) *Did the Assault Force use appropriate de-escalation Tactics,*

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l. (~~S//REL ISAF~~) *Who conducted the Tactical Call-Outs (TCOs), what was the location of the individuals conducting TCOs relative to occupants of the targeted*

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compounds, and was it reasonable to assume TCOs could be heard by occupants? See paragraphs below 5.c.(1)-(3).

(1) ~~(S//REL ISAF)~~ After an analysis of their actions, I find each (b)(1)1.4a acted in accordance with (b)(1)1.4a core values and the Laws of Armed Conflict. Each member that fired his weapon acted within the Rules of Engagement because they responded to what they perceived as hostile intent. During the operation, (b)(1)1.4a engaged personnel. Assault force perceived two individuals as displaying hostile intent. In both shooting incidents, all four shooters responded to what they perceived as a direct and imminent threat to themselves or to the members of their assault force. Based on the imminent nature and time urgency of the threat, none of the four shooters was either in a position to avoid the engagement through escalation of less than lethal means or in a position to deescalate the situation in time to prevent perceived harm to themselves and the members of their assault force. In each instance, the amount of force utilized was necessary, proportional and applied at appropriate time. Reference paragraphs 4.d.(6) – (11) for the description of the engagements. (Exhibits 4, 11, 12, 20)

(2) ~~(S//REL ISAF)~~ I find it reasonable to believe that the occupants of the compound clearly heard and understood the TCO. I base this assessment on the TCO's close proximity to the building with the majority of people inside. The fact that assault force personnel located behind walls and over 150 meters away could clearly hear the TCO confirms this assessment. Finally, local national accounts from the site visit on 14 FEB and detainee reporting confirms that the males inside the compound heard and understood the TCO (Exhibits 11, 14). The assault force's interpreter, APU soldiers and APU mentor conducted the TCO across the street approximately 15 meters from the target compound (Exhibits 11, 12). Reference paragraph 4.d.(15) for the description of the TCO.

(b)(1)1.4a

d. g. ~~(S//REL ISAF)~~ **Provide assessment for cause of death of deceased Local National females and is it consistent with the GFC's reports to** (b)(1)1.4a? Although

(b)(1)1.4a

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the investigation team assesses the most likely cause of death for the three females and wounding of two males was from penetrating and fragmented rounds ("shoot throughs") following the engagement of the armed male in the doorway to building 34, **the team's results are inconclusive**. Local national claims support the theory of "shoot throughs" from the second engagement resulting in the deaths of the females and wounding of males. However, many inconsistencies with this theory remain.

(1) (~~S//REL ISAF~~) Two engagements from this operation resulted in two killed males.

(b)(1)1.4a, (b)(7)(E) confirm that there were only two engagements (Exhibits 4, 11, 12, and 14). The assault force discovered three dead females during SSE in the same room as the dead males (reference paragraph 4.d.(22)), and the assault force discovered the two wounded males assessed to have originated from building 34 in building 35 during TQ (reference paragraph 4.d.(25)).

(2) (~~S//REL ISAF~~) Before examining the inconsistencies with the theory, it is important to examine the evidence that does support the theory. Local nationals claim there was a party in the compound celebrating the birth of a child; the guests feared they were being attacked by the TB as retribution for drinking wine, playing music, their Tajik ethnicity and for being guests of an ANP commander; and the women were killed during the second engagement as they tried to prevent Zahir from exiting the building to take *badal* (revenge) for the death of his brother—all of which seems to be corroborated by some of the evidence. This evidence includes:

(b)(1)1.4a, (b)(1)1.4c, (b)(7)(F)

(b) (U//~~FOUO~~) An interview conducted by (b)(3), (b)(6), (b)(7)(F) with a (b)(1)1.4a local national employee who was at the compound during the operation corroborates the "shoot through" theory. This local national claims that the women were killed trying to prevent Zahir from exiting the doorway (Exhibit 11).

(c) (U//~~FOUO~~) Dawood's cousin and father gave the ANP and the investigation team a summary of events that corroborated the "shoot through" theory during the 14 FEB site visit (Exhibit 11).

(d) (~~S//REL ISAF~~) Convincing (b)(1)1.4a, (b)(7)(E) reporting corroborates the "shoot through" theory. The reporting indicating that the TI was at the compound earlier in the

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period of darkness to celebrate the birth, escaped capture and that CF accidentally killed two ANP officers and three women (Exhibit 11).

(e) ~~(S//REL ISAF)~~ Consistency in all eight detainees' statements that would be impossible to pre-plan without prior knowledge of specifics of the operation seems to help corroborate the "shoot through" theory. The detainee reports corroborate that the women died when they tried to stop Zahir from exiting the building. They describe the party and the circumstances of Zahir's and Dawood's death (Exhibit 14).

(f) ~~(S//REL ISAF)~~ The audio transcript of unwitting compound inhabitants, recorded during the BHO and while compound family members were in building 35, room 2A, corroborates the theory that the women were killed during the operation and not prior (Exhibit 18).

(g) (U//~~FOUO~~) Understanding Afghan customs for preparation and burial of the dead explains the unusual wraps around the head and toes of the dead. (b)(6), (b)(7)(F) explained to the team that it is an embarrassment to a dead person's family if rigor mortis sets in and the body's legs are uneven and the mouth open. (b)(6), (b)(7)(F) explained that Afghans often put the wraps around the head and jaw and tie a body's toes together immediately after death in order to prevent this. (b)(6), (b)(7)(F) explained the fact that it is very reasonable for the locals to have wrapped the bodies in the time between the second engagement and the clearance by APU (approximately 15 – 20 minutes) (Exhibits 16, 20).

(h) ~~(S//REL ISAF)~~ (b)(1)1.4a, (b)(7)(E) of the males who compromised the TCO team at the gate corroborates what both local nationals at the site and at BG Wardak's home claimed to the investigation team on 14 FEB. Although the (b)(1)1.4a supports the assault force's assessment on the objective that one of the two males at the gate was Dawood, the (b)(1)1.4a also supports the locals' claim. The locals claimed that after the two men detected the force at the gate, they came into building 35 and warned the group of men at the party. They claim Dawood told the group of men to stay in the room and that he was going to get a weapon to protect them (Exhibit 12).

(i) (U//~~FOUO~~) The fact the family rented cooking pots for the party corroborates the part of the local national stories that there was a party celebrating the birth of a child. These cooking pots were located outside and (b)(6), (b)(7)(F) confirmed that these were the sort of pots rented for special occasions (Exhibits 13, 20).

(j) (U//~~FOUO~~) The phone call to PHQ from a person at the party claiming the compound was under attack from TB corroborates that the people in the compound did not believe that the force outside was CF (Exhibit 11).

(b)(1)1.4a

SUBJECT: Army Regulation 15-6 Investigation into the civilian deaths that occurred on
(b)(1)1.4a on period of darkness 11-12 February 2010. (U//~~FOUO~~)

(k) (U//~~FOUO~~) Dawood's father showed the investigation team the newborn baby at the site during the 14FEB visit. The presence of the baby helps corroborate the locals' claim for the reason for the party.

(l) (U//~~FOUO~~) Food and musical instruments present in building 35 again corroborates the claim that the locals were having a party (Exhibit 13).

(3) (U//~~FOUO~~) There are considerable questions about the cause of the females' deaths and males' injuries because of the following: the investigation team was prevented from interviewing many of the local nationals on the objective and the local doctor that examined the female bodies; none of the bodies were autopsied; and there are **multiple inconsistencies** between what was observed and what has since been reported by **local nationals**. Below are some inconsistencies the investigation team discovered during the investigation:

(b)(1)1.4a

(b) (~~S//REL ISAF~~) (b)(1)1.4a of buildings 34 and 35 were only approximately 24-26 meters away from the male in the doorway (Exhibits 4 and 12). (b)(1)1.4a and said the room behind the armed male **was well lit**. Both shooters state they could clearly see there were no other people around or behind Zahir when he opened the door (Exhibit 11). Both shooters near simultaneously **took their shots without** coordinating between one another and without the hesitation expected **had the shooters** observed the presence of females or non-combatants in or around the doorway or target (Exhibits 4, 11, 12, 20).

(c) (~~S//REL ISAF~~) The investigation team assessed the cone of fire through the doorway to building 34, room 1A, to be about three feet in diameter. The team made this assessment **by looking at round impact locations** on the wall and door to room 2A directly behind **where the assault force engaged Zahir** (Exhibit 13). (b)(1)1.4a

(b)(1)1.4a

(Exhibit 12).

(b)(1)1.4a

(b)(1)1.4a

SUBJECT: Army Regulation 15-6 Investigation into the civilian deaths that occurred on
(b)(1)1.4a on period of darkness 11-12 February 2010. (U//~~FOUO~~)

(b)(1)1.4a

(e) (~~S//REL ISAF~~) Even without being able to do an autopsy on the bodies, based on rounds found, (b)(1)1.4a and center of mass gunshot wounds to the male in the doorway, it is probable that most, if not all, of the rounds can be accounted for. All of the data supports the scenario of a small cone of fire through the doorway, the bullets' flight paths leading directly behind the target, and very little fragmentation or deflection of rounds into other parts of either room 1A or 2A (Exhibit 13).

(f) (U//~~FOUO~~) The scenario of these rounds leading to the death of the male in the doorway, killing the three females in the room, and wounding two additional males seems extremely improbable due to the relative small cone of fire and limited number of rounds actually fired through the doorway (Exhibit 13).

(g) (U//~~FOUO~~) Inside building 34, room 1A, the assault force, BHO law enforcement professionals (LEP), and the BSO medical officer did not find the amounts of blood expected with lethal gunshot wounds to five personnel and wounding gunshot wounds to two additional personnel. There was only one distinguishable blood spatter pattern in building 34 on the wall between the doors to 2A and 3A, possibly indicating only a single gunshot injury (Exhibits 4, 11 and 13).

(h) (U//~~FOUO~~) According to the LEP, this spatter pattern was not necessarily consistent with a "high velocity" injury. Additionally, there was little to no blood pooling below the bodies. At least one of the females killed and one of the males killed had what appeared to be lacerations on their chest. Additionally, one of the dead females appeared to have a knife wound to her throat and a defensive gunshot wound to her hand (Exhibits 11 and 13).

(i) (U//~~FOUO~~) On the exterior sill of the doorway to room 1A, the LEP located a blood pattern which appeared to be more consistent with blunt force trauma. To the LEP, it looked like someone had possibly slipped on the ice and split open his or her head on the hard concrete (Exhibit 11).

(j) (U//~~FOUO~~) Just prior to the departure of the BHO and remainder of TM SHA, a local doctor showed up at the scene. The doctor went into building 34, room 1A and closed the door (Exhibit 11).

(b)(1)1.4a

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 (b)(1)1.4a on period of darkness 11-12 February 2010. (U//~~FOUO~~)

(k) (U//~~FOUO~~) ANP could not tell the investigation team the name of the local doctor. Thus, the team has not coordinated an interview with this doctor to determine the results of his findings.

(l) (U//~~FOUO~~) The assault force identified what it believed to be a pool of blood inside the SUV parked under the carport (Exhibit 13). However, the compound inhabitants refused to unlock and open the vehicle during SSE. During the investigation team's visit to the compound, inhabitants claimed they did not have the keys to the vehicle and could not open it for the investigation team. When asked where the keys were, the inhabitants first told the team that they buried the keys with Dawood (Exhibit 11).

(m) (U//~~FOUO~~) (b)(6), (b)(7)(F) heard the locals talking after this explanation. He heard one local turn to the local that gave the response and told him that he had "done well to answer the question that way". (b)(6), (b)(7)(F) was extremely suspicious of the locals' explanation. When the team highlighted this explanation as unlikely, the inhabitants then told the team the family members used the vehicle to take the wounded males to the hospital and one of the wounded males had the keys. However, they could not explain how the vehicle made it back to the compound if one of the wounded males in the hospital had the keys (Exhibits 11, 20).

(n) (U//~~FOUO~~) When members of the (b)(1)1.4a went to interview one of the wounded males at the hospital in Gardez, they began interviewing the doctor responsible for treating the male. The doctor offered to get the wounded male's "charts." However, Dr. (b)(6), (b)(7)(F) the Provincial Director of Public Health took over the interview and dismissed the doctor. The team has been unable to get the charts from the hospital (Exhibit 11).

(o) (U//~~FOUO~~) Although promised a video recorded interview with Dawood's and Zahir's mother, who reportedly had been in building 34, room 1A during the second engagement, the ANP failed to produce the video tape to the investigation team and have finally claimed the interview did not happen.

(b)(5), (b)(6)

(q) (U//~~FOUO~~) During all shuras, KLEs and official meetings there was little to no mention or concern for the death of the three women—the first genuine instance was during the

(b)(1)1.4a

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 (b)(1)1.4a on period of darkness 11-12 February 2010. (U//~~FOUO~~)

meeting held at the Governor's guest house by the Gardez shura member. Although this may be based on the nuances of Afghan culture, it seems unlikely the death of three women integral to four different branches of the same extended family would get little mention in these meetings (Exhibit 2).

e. ~~(S//REL ISAF)~~ **Describe the circumstances that led the Assault Force (AF) to claim that the female Local Nationals were killed?** See paragraphs 5.e.(1) – (4) below.

i. ~~(S//REL ISAF)~~ **Why did the Ground Force Commander (GFC) not report similar cultural custom preparations of the male EKIA to those reported for the deceased Local National females?** See paragraphs 5.e.(1) – (4) below.

j. ~~(S//REL ISAF)~~ **Determine the reason for discrepancies between the Assault Force description of the status of the deceased Local National females and what the SSE photos depict?** See paragraphs 5.e.(1) – (4) below.

m. ~~(S//REL ISAF)~~ **The SSE photos of the deceased Local National females depict relatively recent wounds to include non-coagulated and or dry blood – estimate the time of injuries sustained relative to the engagement of the military aged males.** See paragraphs 5.e.(1) – (4) below.

n. ~~(S//REL ISAF)~~ **The GFC reported via Radio Telephone that the deceased Local National females appeared to have been killed approximately 12-48 hours prior to actions on the objective, yet the remains were collocated with EKIA, and based upon SSE photos, had what appeared to be similar wounds relative to the time of sustainment. What led the GFC to make statements contrary to SSE photo depictions – was this an attempt to deceive?** See paragraphs 5.e.(1) – (4) below.

o. ~~(S//REL ISAF)~~ **Did any element of (b)(1)1.4a deliberately deceive the Commander of (b)(1)1.4a about the circumstances or events of (b)(1)1.4a?** See paragraphs 5.e.(1) – (4) below.

(1) ~~(S//REL ISAF)~~ During the operation, some erroneous reports were made due to the confusion of the situation, specifically the fact the females on the scene were bound and gagged. This reporting likely led to reports, which called the females' deaths the result of an "honor killing", as well as a local report that assault force bound and executed the women on the scene. Despite what is now believed to be erroneous reporting, there is no evidence that any of the (b)(1)1.4a personnel or the GFC intended to deceive higher headquarters (Exhibits 11, 19).

(2) (U//~~FOUO~~) The wraps around the dead bodies' heads and toes seemed extremely unusual to the GFC and all (b)(1)1.4a personnel; the lack of significant blood pooling, blood spatter and already pale coloration of some of the female bodies; the identification of possible different types of wounds on the bodies (possible lacerations, knife wounds, and gunshot

(b)(1)1.4a

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(b)(1)1.4a on period of darkness 11-12 February 2010. (U//~~FOUO~~)

wounds); and the initial opinion of assaulters that the bodies had been dead for at least 12 hours, led the GFC to make his specific radio reports (Exhibits 11, 13).

(b)(1)1.4a, (b)(5)

(4) (~~S//REL ISAF~~) Some of the discrepancies in the timeline hindered the ability of the BSO and Incident Response Team to do good consequence management as some of the facts of the operation were reported at the **wrong time or out of order**. Trying to make corrections to the information already provided to the ANP and Afghan leaders was difficult for the BSO and the Incident Response Team (Exhibits 3, 10).

(b)(1)1.4a

g. **q. (U//~~FOUO~~) Describe the Battle Hand Over (BHO) which occurred on the objective; See paragraphs 4.d.(26) – (30) above.**

h. **r. (U//~~FOUO~~) Whether the measures employed during the conduct of this operation were in accordance with established TTPs, Tactical Directives, and Rules Of Engagement; After my analysis of the measures employed by the assault force, I find that the assault force was in accordance with TTPs, Tactical Directives, and Rules Of Engagement during this operation.**

i. **s. (U//~~FOUO~~) Any recommendations, lessons learned and other matters you deem relevant to this inquiry. See paragraphs 6.a – 6.c below.**

(b)(1)1.4a

SUBJECT: Army Regulation 15-6 Investigation into the civilian deaths that occurred on (b)(1)1.4a on period of darkness 11-12 February 2010. (U//~~FOUO~~)

j. **t. ~~(S//REL ISAF)~~ Did the AF and leadership actions represent Army values?** After an analysis of their actions, I find each (b)(1)1.4a member acted in accordance with (b)(1)1.4a (b)(1)1.4a core values.

6. (U//~~FOUO~~) **Recommendations:** A (b)(1)1.4a primary concern during operations is to reduce the occurrence of unintended casualties. Other considerations include improving consequence management, reporting and making amends with the local populace when casualties do occur. These recommendations attempt to reach these goals.

(b)(1)1.4a, (b)(5), (b)(7)(E)

(1) (U) Analysis and review of the tactical situation:

(b)(1)1.4a, (b)(5), (b)(7)(E)

(2) (U//~~FOUO~~) Better integration with Afghans: Our partnership with legitimate Afghan forces, such as the APU, provides us the best opportunities for accountability and support from both the BSO and local Afghan authorities.

(b)(1)1.4a, (b)(5), (b)(7)(E)

(b)(1)1.4a

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(b)(1)1.4a

on period of darkness 11-12 February 2010. (U//~~FOUO~~)

(b)(1)1.4a, (b)(5), (b)(7)(E), (b)(7)(F)

(1) (U//~~FOUO~~) "Information's Critical Minute:"

(b)(1)1.4a

(b)(1)1.4a

The same concept applies in the information battlespace. In this instance, the desire for quick updates to the situation led to incomplete or inaccurate information from the ground force to higher headquarters. Initial reporting invariably has a certain level of inaccuracy because either the situation has not completely developed or the person reporting it has not yet completely digested the situation. IJC should have recognized the unusual circumstances of the reporting and resisted a press release until after (b)(1)1.4a produced a more refined report of the situation.

(b)(1)1.4a, (b)(5)

(b)(1)1.4a

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(b)(1)1.4a

on period of darkness 11-12 February 2010. (U//~~FOUO~~)

(b)(1)1.4a, (b)(5), (b)(7)(E)

c. (U) Making Amends with the Local Populace:

(1) (U//~~FOUO~~) The fact that the Afghan medical authorities did not conduct an autopsy, the unlikely ballistics and blood evidence to support the killing of five and wounding of two people and the fact that ANP did not afford the investigation team an opportunity to talk to the local doctors casts doubt on the exact cause of the incident.

(2) (U//~~FOUO~~) The doubt is enough that I do not recommend accepting responsibility for the deaths of the three females. As previously stated, I assess the most likely cause of the incident is "shoot throughs" during the second engagement but maintain **the results are inconclusive.**

(b)(1)1.4a

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(b)(1)1.4a on period of darkness 11-12 February 2010. (U//~~FOUO~~)

(3) (U//~~FOUO~~) Regardless, I believe that the locals are convinced and will remain convinced despite any additional empirical or witness derived evidence that the assault force killed the women. Therefore, I recommend that CF make an appropriate condolence payment to the family as a sign of good faith in our sincerity at the seriousness of the incident, and our hope to move past this incident and build trust with the local populace.

4.

(b)(3), (b)(6)

(VoSIP)

(b)(3), (b)(6)

Investigating Officer

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by (b)(3), (b)(6)
(Appointing authority)

on 14 FEBRUARY 2010 (Attach Inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)
(Date)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB GARDEZ, PAKTYA PROVINCE at 0100Z
(Place) (Time)

on 14 FEBRUARY 2010 (If a formal board met for more than one session, check here ☐ Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 2300Z on 27 FEBRUARY 2010
(Time) (Date)

and completed findings and recommendations at 0400Z on 1 MARCH 2010
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

1 Inclosures (para 3-15, AR 15-6)

Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)

- | | YES | NO ^{1/} | NA ^{2/} |
|--|-------------------------------------|--------------------------|-------------------------------------|
| a. The letter of appointment or a summary of oral appointment data? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Copy of notice to respondent, if any? (See item 9, below) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Other correspondence with respondent or counsel, if any? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. All other written communications to or from the appointing authority? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Privacy Act Statements (Certificate, if statement provided orally)? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Information as to sessions of a formal board not included on page 1 of this report? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO ²	NA ²
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-5b, AR 15-6)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 5-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Does each letter of notification indicate —	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NOTES: 1/ Explain all negative answers on an attached sheet. 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

SECTION IV - FINDINGS (para 3-10, AR 15-6)

ie (investigating officer) (board) , having carefully considered the evidence, finds:

SEE ATTACHED MEMO WITH A SUBJECT LINE OF - "ARMY REGULATION 15-6 INVESTIGATION INTO THE CIVILIAN DEATHS THAT OCCURED ON (b)(1)1.4a
(b)(1)1.4a PERIOD OF DARKNESS 11-12 FEBRUARY 2010"

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

SEE ATTACHED MEMO WITH A SUBJECT LINE OF - "ARMY REGULATION 15-6 INVESTIGATION INTO THE CIVILIAN DEATHS THAT OCCURED ON (b)(1)1.4a
(b)(1)1.4a PERIOD OF DARKNESS 11-12 FEBRUARY 2010"

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

IS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(b)(3), (b)(6)

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

See attached memorandum, "Approval of AR 15-6 Investigation ICO (b)(1)1.4a" dated 2 March 2010

(b)(3), (b)(6)

27FEB10

From: [REDACTED]
To: [REDACTED] (b)(3), (b)(6)

SUBJ: SUMMARIES OF INFORMATION GATHERED DURING [REDACTED] (b)(1)1.4a SITE VISIT on
14FEB10 AND INTERVIEWS CONDUCTED ON 16-178FEB10

(b)(1)1.4a, (b)(5), (b)(6), (b)(7)(E), (b)(7)(F)

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REPLY TO
ATTENTION OF

HEADQUARTERS

(b)(1)1.4a
BAGRAM, AFGHANISTAN

(b)(1)1.4a

13 February 2010

MEMORANDUM FOR (b)(3), (b)(6)

SUBJECT: Appointment as Investigating Officer (U//~~FOUO~~)

1. (~~S//REL ISAF~~) Appointment. You are hereby appointed as an investigating officer pursuant to AR 15-6 to conduct an inquiry into the facts and circumstances surrounding the execution of the Task Force Operation into (b)(1)1.4a vicinity of Gardez District, Afghanistan on 11-12 February 2010.

2. (~~S//REL ISAF~~) You are to lead the (b)(1)1.4a investigating team consisting of yourself, (b)(6) (b)(1)1.4a, (b)(3), (b)(6) member), and (b)(6) (GIROA designated member of the (b)(1)1.4a). It is imperative that this investigation be conducted in full coordination and collaboration with (b)(1)1.4a, and the GIROA representatives. This investigation is your primary duty and takes precedence over all other assigned duties.

3. (U//~~FOUO~~) Legal Orientation. Before you begin your inquiry, you will consult with the Task (b)(3), (b)(6) He will serve as your legal advisor during the inquiry.

4. (U//~~FOUO~~) Procedures. You are to conduct this investigation using the informal procedures outlined in Chapter 4, AR 15-6. You are to thoroughly document all witness interviews in writing. DA Form 2823s, or appropriate Sworn Statements, must be used if at all possible. If at any time during interviews or collection of statements you suspect misconduct, you must immediately advise that individual of his or her rights by executing a DA Form 3881, or appropriate Rights Warning Certificate, before you continue. Consult your legal advisor prior to advising anyone of his or her rights.

5. (~~S//REL ISAF~~) Report of Investigation. Specifically, your inquiry shall address the following:

a. (U//~~FOUO~~) The detailed facts and circumstances surrounding the conduct of the operation and all follow-on actions in mitigation, coordination, and assistance;

b. (U//~~FOUO~~) Describe the methods used to gain entry into targeted compounds and structures during the mission and their effectiveness;

c. (U//~~FOUO~~) The nature and extent of any injuries or casualties encountered upon, or as a result of, the conduct of this operation and include any subsequent medical care offered, provided, and/or declined;

(b)(1)1.4a

SUBJECT: Appointment as Investigating Officer

- d. ~~(S//REL ISAF)~~ Whether the employment of force by each element was a result of a demonstration of hostile intent, hostile act, or imminent threat;
- e. ~~(S//REL ISAF)~~ Whether the amount of force used in each case was necessary and proportional under the circumstances;
- f. ~~(S//REL ISAF)~~ What, if any, steps were taken to escalate and/or deescalate the use of force for any engagements;
- g. ~~(S//REL ISAF)~~ Provide assessment for cause of death of deceased Local National females and is it consistent with the GFC's reports to (b)(1)1.4a?
- h. ~~(S//REL ISAF)~~ Describe the circumstances that led the Assault Force (AF) to claim that the female Local Nationals were killed?
- i. ~~(S//REL ISAF)~~ Why did the Ground Force Commander (GFC) not report similar cultural custom preparations of the male EKIA to those reported for the deceased Local National females?
- j. ~~(S//REL ISAF)~~ Determine the reason for discrepancies between the Assault Force description of the status of the deceased Local National females and what the SSE photos depict?
- k. ~~(S//REL ISAF)~~ Did the Assault Force use appropriate de-escalation Tactics, Techniques, and Procedures to include (b)(1)1.4a specifically for Tactical Call-Outs?
- l. ~~(S//REL ISAF)~~ Who conducted the Tactical Call-Outs (TCOs), what was the location of the individuals conducting TCOs relative to occupants of the targeted compounds, and was it reasonable to assume TCOs could be heard by occupants?
- m. ~~(S//REL ISAF)~~ The SSE photos of the deceased Local National females depict relatively recent wounds to include non-coagulated and or dry blood – estimate the time of injuries sustained relative to the engagement of the military aged males.
- n. ~~(S//REL ISAF)~~ The GFC reported via Radio Telephone that the deceased Local National females appeared to have been killed approximately 12-48 hours prior to actions on the objective, yet the remains were collocated with EKIA, and based upon SSE photos, had what appeared to be similar wounds relative to the time of sustainment. What led the GFC to make statements contrary to SSE photo depictions – was this an attempt to deceive?
- o. ~~(S//REL ISAF)~~ Did any element of (b)(1)1.4a deliberately deceive the Commander of (b)(1)1.4a about the circumstances or events of (b)(1)1.4a?
- p. ~~(S//REL ISAF)~~ Describe how the AF utilized the APU during this mission;
- q. ~~(U//FOUO)~~ Describe the Battle Hand Over (BHO) which occurred on the objective;

(b)(1)1.4a

SUBJECT: Appointment as Investigating Officer

r. (U//~~FOUO~~) Whether the measures employed during the conduct of this operation were in accordance with established TTPs, Tactical Directives, and Rules Of Engagement; and

s. (U//~~FOUO~~) Any recommendations, lessons learned and other matters you deem relevant to this inquiry.

t. (~~S//REL ISAF~~) Did the AF and leadership actions represent Army values?

6. (~~S//REL ISAF~~) I ask you to pay particular attention to the battlefield geometry as it relates to actions on the objective. This should include the known positions of friendly personnel as well as any known and/or suspected positions of combatants and noncombatants. This will assist the (b)(1)1.4a in developing lessons we can learn and promulgate throughout the (b)(1)1.4a and greater Coalition Force.

7. (~~S//REL ISAF~~) You will provide an interim report of your progress to me NLT 15 February 2010 and be prepared to provide any necessary follow-on reports as necessary. This report will be classified at the SECRET//REL ISAF level.

8. (~~S//REL ISAF, GReA~~) You are to submit your findings and recommendations on a DA Form 1574 through your legal advisor to me with all attached exhibits no later than 19 February 2010. Ensure your investigation report, to include exhibits and attachments, is properly classified and contains the proper classification markings throughout. You are to produce your report at the SECRET//REL ISAF level. If any exhibits contain classified Focal Point//ACCM material, those should be redacted to achieve a classification no higher than SECRET//REL ISAF level prior to inclusion in the report. You are authorized to produce an additional, separate report at a higher classification level should you desire to do so or deem it necessary. Contact your legal advisor if you have any questions. Submit any requests for modification of this requirement, your suspense, or the scope of your investigation to me, through your legal advisor.

(b)(3), (b)(6)

KEY TERMS

AAF-Anti-Afghan Forces
ANP-Afghan National Police
ANSF-Afghan National Security Forces
APU-Afghan Partner Unit

BCT-Brigade Combat Team
BHO-Battle Handover
BSO-Battlespace Owner

CASEVAC-Casualty Evacuation
CF-Coalition Forces
CONOP-Concept of the Operation

GFC-Ground Force Commander
GIROA-Government of the Islamic Republic of Afghanistan

HCH-High-Confidence Hit
HTT-Human Terrain Team

IJC-ISAF Joint Command
IO-Information Operations
IOT-In order to
ISAF-International Security Assistance Force
ISR-Intelligence, Surveillance, and Reconnaissance

KLE-Key Leader Engagement

JOC-Joint Operations Center

LCC-Last Cover and Concealment
LEP-Law Enforcement Professional
LN-Local National

MAM-Military-Aged Male
MDMP-Military Decision Making Process
MoI-Ministry of Interior

NDS-National Directorate of Security
NSTR-Nothing Significant to Report

OCG-Operations Control Group

PAO-Public Affairs Office(r)
PHQ-Police Headquarters
PL-Platoon Leader
POL-Pattern of Life

PRT-Provincial Reconstruction Team

QRF-Quick Reaction Force

RFI-Request for Information

SAW-Squad Automatic Weapon

SI-Special Intelligence

SNOT-Sniper and Observation Team

SSE-Sensitive Site Exploitation

TB-Taliban

TCO-Tactical Callout

TI-Targeted Individual

TQ-Tactical Questioning

TSE-Tactical Site Exploitation

TST-Time-Sensitive Target

UIM-Unidentified Male

UNS-Universal Night Scope

USFOR-A-US Forces-Afghanistan

VBIED-Vehicle-Borne Improvised Explosive Device

WARNORD-Warning Order

~~SECRET // REL TO USA, ISAF, NATO~~

(b)(1)1.4a

SEQUENCE OF EVENTS

TIME	EVENT
(b)(1)1.4a	Call was made to (b)(1)1.4a of potential TGT name and Grid location
	(b)(1)1.4a, (b)(6)
	ACGU CONOP was sent to (b)(1)1.4a for further distribution
	Final CONOP was submitted
	BG Fuller was briefed and DECON was complete with concurrence
(b)(1)1.4a	
(b)(1)1.4a	1 st EKIA from bldg 34 in courtyard
	1 x MAM exit bldg 34 and dragged the EKIA and AK-47 back into bldg 34; this MAM was not engaged by the AF
	2 nd EKIA from bldg 34
	(b)(1)1.4a
	APU begins clearance of target compound
	APU clearance of bldg 34 revealed 2 x EKIA and 3 x local national female deceased bodies with toes tied and heads wrapped
	2 x EWIA found in bldg 35
	30-series compound secure; SSE: 3x AK-47, 7 x grenade, 2 x RPG motors, 1 x chestrack, 3 x grenade fuse
	AF linked up with BHO element
	AF completed BHO
	Non-essential personnel conducted RW exfil
	(b)(1)1.4a APU and (b)(1)1.4a personnel remain on target; link-up with BSO forces to execute BHO; conducted Shura with local leadership; met with BSO Bn Cdr and ANP General (GEN Wardak) on target
	Remainder of AF arrived (b)(1)1.4a

Roll-up:

Bldg 34: 6/3/4/6, 3 x LN female bodies, 2 x EKIA, 4x detainees

Bldg 35: 32/5/6/16, 2 x EWIA, 4 x detainees

TOTAL: 38/8/10/22. 3 x LN female bodies, 2 x EKIA, 2 x EWIA, 8 x detainees

SSE:

3 x AK-47s

12 x magazines

7 x frag grenades

2 x RPG Motors

1 x chest rack

3 x grenade fuses

~~SECRET // REL TO USA, ISAF, NATO~~

RECCE CHECKPOINTS ((b)(1)1.4a)

Fix/Point Description	Latitude Longitude	MGRS UTM
--------------------------	-----------------------	-------------

(b)(1)1.4a

RECCE CHECKPOINTS (

(b)(1)1.4a

Fix/Point Description	Latitude Longitude	MGRS UTM
(b)(1)1.4a		

~~SECRET//ACGM POISED ANVIL~~

CHALK LOAD

(b)(1)1.4a

(b)(1)1.4a

(b)(1)1.4a, (b)(6)

PAKTYA PROVINCE

(b)(1)1.4a

(b)(1)1.4a

FEB 10

RECEIPTS

MILITARY EQUIPMENT

☒ MAGAZINE

☒ AMMO

☒ CHEST RACK

☐ IED MATERIALS

☐ _____
☐ _____
☐ _____
☐ _____

☐ BAGS OF FERTILIZER

☒ FATIGUES (MP)

☒ OTHER ITEMS Grenade Forces

ELECTRONICS

☒ CELL PHONE

☐ CAMERA

☐ COMPUTER TOWER

☐ COMPUTER HARD DRIVE

☐ LAP TOP

☐ VIDEO CAMERA

☐ ICOM RADIO

☐ OTHER ITEMS

MONEY

☐ AFGHAN CURRENCY

☐ PAKISTAN CURRENCY

☐ U.S. DOLLARS

☐ OTHER

ADDITIONAL ITEMS

ELDER SIGNATURE _____

(b)(6)

REPORT OF PROPERTY DAMAGE

(Dari)

(Pashtu)

This acknowledges that the property listed below was damaged during the course of an operation. It also indicates whether you have been compensated for the damage. If you have not received immediate compensation, please wait 5 days before contacting the following phone number (b)(6) for information regarding compensation.

(Dari)

گزارش خسارت اموال و لوازم

این بیانیه تصدیق می‌کند که اموال و لوازم در جریان عملیات خسارت دیده است. همچنین مشخص می‌کند که آیا شما برای این خسارت جبران دریافت کرده‌اید یا خیر. اگر شما هنوز دریافت نکرده‌اید، لطفاً ۵ روز صبر کنید و سپس با شماره تلفن (b)(6) برای اطلاعات در مورد جبران خسارت تماس بگیرید.

(Pashtu)

د چلوسونو او لوكو ه لوازم رپوت

په دې لوكه تصدیق كې چې اموال و لوازم د چلوسونو په لوكه كې زیانمن شوي دي. همدا راز په دې كې یادونه كوي چې كه چيري داسې شي چي وران شي د چلوسونو په لوكه كې او كه نه كه چيري داسې چلوك خبر شي وي او كه نه كه چيري داسې وگرزي او وركو شي وران شي او په دې شعور كې (b)(6) سره او ديكه خپله كوي.

Provide a brief description of damaged property sufficient to identify it and general assessment of its value. Indicate whether compensation has been paid and in what amount.

1. Damaged Gate (Explosive Breach)

2. 2 Broken windows - Blatz 34

3.

4.

5.

COMMANDER'S COMMENTS

(b)(1)1.4a, (b)(3), (b)(5), (b)(6), (b)(7)(E), (b)(7)(F)

~~SECRET//ACCM POISED ANVIL~~

- Video footage available for 2 x EWIA during questioning about how they were wounded.

1 x EWIA said he was injured in an explosion. 1 x EWIA said he was shot in BLDG 35. Both were treated for gunshot wounds.

~~SECRET // REL TO USA, ISAF, NATO~~